

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JOHN MAXWELL MONTIN,

Plaintiff,

v.

BARBRA RAMSEY, WENDAL
ROSCOE, CORRINE MCCOY,
BILL GIBSON, MARY SULLIVAN,
and CHRISTINE PETERSON,

Defendants.

4:08CV3082

**MEMORANDUM
AND ORDER**

This matter is before the court on Plaintiff's Motion for Additional Summons Forms (filing no. [19](#)) and Motion for Extension of Time (filing no. [23](#)). In his Motions, Plaintiff seeks additional summons forms and additional time to serve two Defendants. Plaintiff previously attempted to serve Defendants Roscoe and Ramsey, but those summons forms were returned as unexecuted. (Filing Nos. [14](#) and [22](#).) The court will permit Plaintiff an additional opportunity to serve these Defendants.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion for Additional Summons Forms (filing no. [19](#)) and Motion for Extension of Time (filing no. [23](#)) are granted.

2. To obtain service of process on Defendants, Plaintiff must complete and return the summons forms which the Clerk of the court will provide. The Clerk of the court shall send TWO (2) summons forms and TWO (2) USM-285 forms to Plaintiff together with a copy of this Memorandum and Order. Plaintiff shall, as soon as possible, complete the forms and send the completed forms back to the Clerk of the court. In the absence of the forms, service of process cannot occur.

3. Upon receipt of the completed forms, the Clerk of the court will sign the summons forms, to be forwarded with a copy of the Complaint to the U.S. Marshal for service of process. The Marshal shall serve the summons and Complaint without payment of costs or fees. Service may be by certified mail pursuant to Fed. R. Civ. P. 4 and Nebraska law in the discretion of the Marshal. The Clerk of the court will copy the Complaint, and Plaintiff does not need to do so.

4. Plaintiff is granted an extension of time, until **March 18, 2009**, to complete service of process.

5. Plaintiff is hereby notified that failure to obtain service of process on the remaining two Defendants by March 18, 2009 will result in dismissal of this matter without further notice as to such defendant. A defendant has twenty (20) days after receipt of the summons to answer or otherwise respond to a complaint.

6. The Clerk of the Court is directed to set a pro se case management deadline in this case with the following text: "**March 18, 2009:** Check for completion of service of summons on remaining Defendants."

7. The parties are bound by the Federal Rules of Civil Procedure and by the Local Rules of this court. Plaintiff shall keep the court informed of his current address at all times while this case is pending. Failure to do so may result in dismissal.

January 28, 2009.

BY THE COURT:

s/Richard G. Kopf
United States District Judge